

BOARD OF MANAGERS

For

Chevy Chase Village, MD

Subject: AN ORDINANCE TO AMEND CHAPTER 20 OF THE CHEVY CHASE VILLAGE CODE TO PROHIBIT OPERATION OF POWER LANDSCAPING EQUIPMENT, INCLUDING, BUT NOT LIMITED TO, LEAF BLOWERS AND LAWN MOWERS, AFTER 6:00 P.M. OR BEFORE 8:00 A.M. ON WEEKDAYS AND AFTER 6:00 P.M. OR BEFORE 9:00 A.M. ON WEEKENDS AND LEGAL HOLIDAYS

WHEREAS, Article 23A, Section 2 of the Maryland Code, as amended, authorizes municipalities in the State of Maryland to pass such ordinances as they deem necessary in order to protect the municipalities' rights, property and privileges; to preserve peace and good order; to secure persons and property from danger and destruction; and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, Section 77-14(a) of the Chevy Chase Village Charter authorizes the Board of Managers to pass ordinances as it may deem necessary for the health, safety and welfare of Chevy Chase Village; for the protection and preservation of Chevy Chase Village property, rights, and privileges; for the preservation of peace and good order

and for securing persons and property from violence, danger or destruction; and for the suppression and abatement of all nuisances; and

WHEREAS, pursuant to the aforesaid authority, the Chevy Chase Village Board of Managers enacted a Noise Control Code on June 6, 1983, which Code, inter alia, adopted and incorporated by reference Chapter 31B of the Montgomery County Code (1972), as amended, entitled "Noise Control", with certain additions and amendments set forth in the Village Noise Control Code; and

WHEREAS, the Board of Managers finds that the operation of power landscaping equipment, including, but not limited to, leaf blowers and lawn mowers, early in the morning or in the evening disturbs the serenity, comfort and repose of Village residents, interferes with the peaceful use and enjoyment of property in the Village and constitutes an auditory nuisance; and

WHEREAS, the Board of Managers considered the following ordinance in public session assembled on the 13th day of December, 2010; and

WHEREAS, the Board of Managers finds that amending the Village Noise Control Code to prohibit the operation of power landscaping equipment, including, but not limited to leaf blowers and lawn mowers, after 6:00 p.m. or before 8:00 a.m. on weekdays and after 6:00 p.m. or before 9:00 a.m. on weekends and legal holidays, is necessary for the health, safety and welfare of the Village, for the protection and preservation of Village property, rights and privileges; for the preservation of peace and good order and for securing persons and

property from violence, danger or destruction; for the suppression and abatement of nuisances; and to protect the health, comfort and convenience of the citizens of the Village.

NOW, THEREFORE, the Board of Managers of Chevy Chase Village does hereby adopt the following ordinance:

AN ORDINANCE ENTITLED:

AN ORDINANCE TO AMEND CHAPTER 20 OF THE CHEVY CHASE VILLAGE CODE TO PROHIBIT OPERATION OF POWER LANDSCAPING EQUIPMENT, INCLUDING, BUT NOT LIMITED TO, LEAF BLOWERS AND LAWN MOWERS, AFTER 6:00 P.M. OR BEFORE 8:00 A.M. ON WEEKDAYS AND AFTER 6:00 P.M. OR BEFORE 9:00 A.M. ON WEEKENDS AND LEGAL HOLIDAYS

BE IT ORDAINED AND ORDERED, this 13th day of December, 2010, by the Board of Managers of Chevy Chase Village, Montgomery County, Maryland, acting under and by virtue of the authority given it by the Act of Legislature approved March 28, 1951, and Acts subsequent thereto, Article 23A of the Maryland Code, and the Village Charter, that Chapter 20 of the Chevy Chase Village Code be and the same is hereby amended as follows:

Chapter 20

NOISE CONTROL CODE

Sec. 20-2. Sections added.

The following sections shall apply in the village in addition to the provisions of Chapter 31B of the Montgomery County Code:

* * *

(b) *Special noise limits.* It shall be unlawful for any person to engage in, or permit another to engage in, the following conduct:

- (1) Sound a horn or other signaling device on any motor vehicle except as an emergency or danger warning signal.

- (2) Except in an emergency, [operate] operation of
[outdoor] power landscaping equipment such as a lawn
mower, [chainsaw,]leaf blower or other similar
motorized equipment or device [between] after [the
hours of] 6[9]:00 p.m. [and] or before 8:00 a.m. on
weekdays[;] and after 6:00 p.m. or before 9:00 a.m.
on weekends and legal holidays [provided, however,
that on] [no such equipment or device shall be
operated before 9:00 a.m.]

* * *

BE IT RESOLVED, that the foregoing ordinance shall take effect
on the 28th day of December, 2010, provided the same is posted at the
Village Office for fourteen (14) days prior thereto.

David L. Winstead, Chairman
Board of Managers

ATTEST:

Peter Yeo, Secretary

DATE: December 13, 2010

Asterisks (***) denote material unchanged
brackets [] denote material deleted
underlining denotes new material

From: DTatel <DTatel@cadc.uscourts.gov>

To: dlwinstead <dlwinstead@comcast.net>; petelocky3
<petelocky3@comcast.net>; pkborn <pkborn@aol.com>; feldmangs
<feldmangs@aol.com>; awshuren1024 <awshuren1024@gmail.com>; lcheilman
<lcheilman@verizon.net>; patbaptiste <patbaptiste@verizon.net>
Sent: Tue, Oct 26, 2010 11:53 am

Subject: Village Noise

Dear Managers,

I was pleased to read in the recent Crier that the Board is again examining the continuing problem of noise in the Village. Although I support taking a comprehensive look at the issue, may I suggest that an interim fix, one that could be implemented now, would be to bar all commercial operations after 6 PM. This would immediately and dramatically improve the quality of life in the Village. The committee you have appointed and the Board itself could then study the problem in-depth and take whatever additional steps are necessary.

David Tatel

24 Grafton Street

From: Lanpher, Lawrence Coe <lawrence.lanpher@klgates.com>

To: David Winstead (dlwinstead@comcast.net) <dlwinstead@comcast.net>; Peter Yeo
(petelocky3@comcast.net) <petelocky3@comcast.net>; Peter Kilborn (pkborn@aol.com)
<pkborn@aol.com>; Gail Feldman (feldmangs@aol.com) <feldmangs@aol.com>; Allison Shuren
(awshuren1024@gmail.com) <awshuren1024@gmail.com>; Lawrence Heilman (lcheilman@verizon.net)
<lcheilman@verizon.net>; Patricia Baptiste (patbaptiste@verizon.net) <patbaptiste@verizon.net>
Cc: Claudia Lee Lanpher (clanpher@verizon.net) <clanpher@verizon.net>
Sent: Tue, Nov 16, 2010 3:24 pm
Subject: Noise Control in the Village

November 16, 2010

Dear Members of the Chevy Chase Village Board of Managers:

I have lived at 11 Grafton Street since August 1989. I am writing to urge the Board to establish more stringent limits pertaining to the permitted hours of use of loud gas powered equipment (especially gas powered leaf blowers) in the Village. I set forth below the reasons that I urge tighter restrictions.

Chapter 20 of the Village regulations addresses noise control. Section 20-2(b)(2) states that except in an emergency, "power equipment such as a lawn mower, chainsaw, leaf blower or other motorized equipment or device" may not be operated between 9 PM and 8 AM on weekdays and 9 PM and 9 AM on weekends and legal holidays. Hence, on any day of the week, power equipment can be operated outdoors in the Village as late as 9 PM.

I respectfully suggest that Chapter 20 should be revised to restrict the use of loud power equipment after 6 PM of any day. The noise from chainsaws seems relatively infrequent, but it is quite loud when such equipment is used. The noise from leaf blowers and lawn mowers is a much more frequent annoyance. Between the two, leaf blowers are the greater problem, since they appear to be louder than lawn mowers

and some persons using leaf blowers often seem to use the equipment for extended periods, sometimes with little regard for the associated noise and fumes. The noise from other power equipment, such as gas powered lawn trimmers, presents a problem similar to lawn mowers - loud but not so loud as leaf blowers and for a duration of use that seems less than leaf blowers.

Sitting on our front porch at 11 Grafton St., the noise, particularly from leaf blowers even on neighboring Hesketh Street or Oliver Street, can be very loud and disturbing. Indeed, even when we are inside, the noise is quite loud if we have our windows open, which we often do. Further, when going for walks within the neighborhood or when walking to Connecticut or Wisconsin Avenues, the noise significantly detracts from the enjoyment of the Village neighborhood.

I recognize that the Board probably cannot eliminate such loud noise completely or bar completely the use of some particularly loud sorts of equipment, such as the gas powered leaf blowers used frequently by lawn service companies. However, I suggest that the Board consider amending its regulations to bar the use of such equipment after 6 PM on any day, with a possible, limited carve out for homeowners' use of lawn mowers and lawn trimmers during the week as described below. I also recommend that in conjunction with any such revisions to the regulations, that the Board through The Crier and possibly other means seek to emphasize to Village residents about the need to be considerate of neighbors on the noise issue. I would hope that this would include a request that Village residents that use lawn and tree service companies emphasize to those workers that use of loud equipment, especially leaf blowers, must not only be limited to certain hours but that the duration of such use should be limited as well to the extent possible.

I view the 8AM/9AM starting time for when gas powered equipment can be used as probably reasonable. However, I feel that a much earlier evening shutdown of these noise makers should be put in place. The current 9 PM cutoff time permits much later operation of loud equipment than seems reasonable. Many persons enjoy the outside in the late afternoon and early evening or enjoy the quiet of our neighborhood from within their homes with the windows open. The use of such equipment in the late afternoon and early evening, such as from 6 pm onward, can detract significantly from the enjoyment of the neighborhood, both when you are inside and outside.

I recognize a possible inconvenience that such a 6 PM curfew might have on a family where the adults work until early evening during the week and then on getting home on a week night want to get in a bit of yard work before it gets dark - such as cutting the lawn at 6:30 PM or so. Indeed, I admit to having mowed my yard at around that time on occasion, although it is something I have generally tried to avoid and it is something I would gladly refrain from doing in the future if the Board determines that a 6 PM deadline should apply to everyone and for all types of gas powered equipment.

A possible way to address the working homeowner issue would be to prohibit commercial use of loud power equipment after 6 PM on any day. Commercial use would be any person getting paid for the service (this would include commercial lawn service and tree service companies as well the neighborhood youths who cut lawns; I suspect that the companies, and the neighborhood youths, can find a way to get the work done before 6 PM). I would be willing for the Board to consider an exception to permit homeowners to use lawn mowers and lawn trimmers early in the evening on Monday through Thursday evenings, excepting legal holidays (I would recommend a cutoff for homeowners no later than 7 or 7:30 PM on non-holiday weekday evenings) but that such equipment not be permitted to be used by homeowners after 6 PM on Friday through Sunday (homeowners should be able to find time over the weekend prior to 6 PM to use lawn mowers and trimmers). I recommend that homeowners not be permitted to use other loud power equipment, particularly leaf blowers, after 6 PM on any day.

As probably is clear from the foregoing, I feel that the loud equipment detracts from the enjoyment of our Village community. This detraction is particularly great when the noise occurs on holiday late afternoons and evenings and Friday through Sunday late afternoons and evenings, the times when I believe people are most likely to enjoy the opportunity to enjoy the beauty of our neighborhood (either by walking in the neighborhood, sitting on a porch or sitting inside with windows open) without unnecessary noise.

Finally, I recognize that some persons use electric equipment (such as electric lawn mowers and hedge clippers and sometimes electric leaf blowers) and that such electric equipment has a much lower noise level. I would not oppose allowing the use of such electric equipment beyond the proposed 6 PM close out time and you might wish to create an exception for such use (possibly by defining power equipment to mean gas-powered equipment only).

Thank you in advance for your consideration of these views and please be in touch if you have any questions.

Sincerely,

Larry Lanpher
11 Grafton St.
301/652-4785 (home)
202/778-9011 (office)From: lzbthdugan <lzbthdugan@yahoo.com>
To: ccvillage@yahoogroups.com
Sent: Thu, Apr 29, 2010 7:32 pm
Subject: [ccvillage] Leaf blowers in the evening

From: Amanda Jacobs <abjdoe@gmail.com>

To: pkborn <pkborn@aol.com>
Sent: Mon, Nov 8, 2010 2:49 pm

...As I sit here I can barely hear myself think for the multiple leaf blowers that have been *cranked* all day! I know it is the season, and that leaf blowers are a necessity these days, but it is a question of degree. I know there is a MC noise ordinance which is hard to enforce, but beyond the noise pollution, the exhaust and dust and debris that is kicked up is unbelievable. Nothing serene or pleasant about this otherwise beautiful day. There have been about 3 machines going full tilt literally since this morning, first on our neighbors to the right, then the left- gutters, the whole property, the machine that shreds the leaves, the village vacuuming machine. Ay Caramba! I wonder if the companies that do business in the village could be made aware of guidelines to make fall, but really all seasons, bearable with the various maintenance machinery."

Amanda Jacobs

From: Nathalie Hubbard Bramson <nathaliehb@mac.com>

To: ccvillage <ccvillage@yahoogroups.com>
Date: Sat, May 1, 2010 8:29 am

I find leaf blowers extremely annoying, and I think the decibel levels permitted likely were designed to apply to ONE leaf blower. These commercial outfits send in team -- three or four leaf blowers all going at once. And they go over a postage-stamp-sized property for a long time, blowing to the left, then blowing to the right. Yesterday a friend and I took a walk in the village and, plugging our ears, made our way through such a pack of blowers. They appeared to finish up, and then started up again. I turned around to see why...and two of them were actually blowing up into the dust they had created. Blow it to Silver Spring. This is ridiculous and the rules should be made more restrictive. I lived for 14 years in Manhattan, and this turns out to be the noisiest place I have ever lived.

Nathalie Bramson
Montgomery Street

From: lzbthdugan <lzbthdugan@yahoo.com>

To: ccvillage@yahoogroups.com

Sent: Thu, Apr 29, 2010 7:32 pm

Subject: [ccvillage] Leaf blowers in the evening

It is 7:30pm on a beautiful thursday evening and my family and I have been driven inside by the team of professional leaf blowers nearby who have been at it for about 45 minutes. Even inside we can hear the drone. A beautiful spring evening ruined by noise pollution.
Please, neighbors, ask your lawn crews to finish their work before the dinner hour.

Beth Dugan

From: kc.buffon <kc.buffon@verizon.net>

Sent: Friday, April 30, 2010 10:10 AM

To: ccvillage@yahoogroups.com

Subject: [ccvillage] Re: Leaf blowers in the evening

I completely agree with Beth Dugan on the leaf-blowing, professional garden maintenance lawn issue. I always tell people who come to do work for us (lawn crew and other outdoor workers) that they have to be finished by 5 PM. The Village conducted an intensive review of noxious noise some time ago but the resulting regulations were very modest in scope. Nine pm is much too late for commercial activity. The world is noisy enough -- our homes and gardens should provide a bit of a refuge. I hope the Board will revisit this issue in the near future.

Kathleen Buffon